

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

Blue Spike, LLC,

*Plaintiff,*

v.

Texas Instruments, Inc., et al.,

*Defendants.*

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

Blue Spike, LLC,

*Plaintiff,*

v.

Audible Magic Corporation, et al

*Defendant.*

CASE NO. 6:12-CV-576 MHS

CONSOLIDATED CASE

Jury Trial Demanded

**AGREED MOTION TO DISMISS TUNECORE, INC.**

Plaintiff Blue Spike, LLC, on the one hand, and defendant TuneCore, Inc. on the other, have agreed to dismiss the claims, defenses, and causes of action between them.

Accordingly, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Blue Spike, LLC stipulates to the dismissal without prejudice of all claims and causes of action asserted in this case against defendant TuneCore, Inc. and defendant stipulates to the dismissal without prejudice of all defenses asserted in this case against Blue Spike, LLC. The parties shall bear their own attorneys' fees, expenses and costs, except that if in the future Blue Spike files a new case against TuneCore for claims that

were asserted in this case, TuneCore reserves the right to seek, in the new case, recovery from Blue Spike of the attorneys' fees, expenses, and/or costs TuneCore has incurred in this case.

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***Counsel for Defendant TuneCore, Inc.***

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Federal Rule of Civil Procedure 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email.

/s/ Randall T. Garteiser

### **CERTIFICATE OF CONFERENCE**

I certify that on behalf of Blue Spike, LLC, I have met and conferred with counsel for Defendant on February 28, 2014 regarding the relief requested herein. Counsel for Defendant has agreed to this motion.

/s/ Christopher A. Honea